

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-18100-2023
Date of Decision: 30.05.2023**

Sumit

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present:- Mr. Naveen Kashyap, Advocate for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana

HARSH BUNGER, J.(Oral)

1. Petitioner (Sumit) has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, in case FIR No.145 dated 12.03.2023, registered under Sections 148, 149, 323, 341, 365 and 506 of the Indian Penal Code, 1860, at Police Station Old Industrial, District Panipat (Annexure P-1).

2. On the last date of hearing, i.e 17.04.2023, this Court had passed the following order:-

Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, in case FIR No.145 dated 12.03.2023, registered under Sections 148, 149, 323, 341, 365 and 506 of the Indian Penal Code, 1860, at Police Station Old Industrial, District Panipat (Annexure P-1).

Brief facts of the case are that the present FIR has been registered on the complaint of one Aditya son of Surender,

resident of Village Bhadad, Tehsil Matlouda, District Panipat, alleging therein that on 04.03.2023 during hindi examination, a verbal spat took place between the complainant and one Ankit, who is stated to be a student of Class 12th . Then on 10.03.2023, when he along with his cousin Shubham, was going to his home after finishing exam, then accused-Ankit, Vishnu, Rahul and 8-10 other boys restrained their way and said that you have to be given taste of incident of 04.03.2023 and started giving beating to him. It is submitted by the complainant that his cousin-Shubham fled away from the spot, whereas, he (complainant) was kidnapped by said accused persons and taken to Poultry Farm at Village Binjhol, where they gave him beatings with lathi and danda. Resultant thereto, the complainant sustained injuries on his head, back, hand, feet and mouth and one of the accused put the country-made pistol on his head and threatened to kill him. On the basis of said complaint, the FIR in question was registered.

Learned counsel for the petitioner, inter alia, contends that the petitioner is a young boy of 19 years of age and has falsely been implicated in the present case on the basis of disclosure statement of accused-Ankit, whereas, he has not committed any offence. He further submits that the present FIR has been registered after an un-explained delay of two days i.e. on 12.03.2022, whereas, the alleged occurrence is stated to be taken place on 10.03.2023. Learned counsel further submits that the petitioner is not named in the FIR and nothing is to be recovered from his possession. It is further submitted that the co-accused of the petitioner namely, Ankit who was specifically named in the FIR, has been released on regular bail by the learned Additional Sessions Judge, Panipat, vide order dated 10.04.2023 (Annexure P-2), whereas the pre-arrest bail applied by the petitioner has wrongly been dismissed by the learned Additional Sessions Judge, Panipat, vide order dated 10.04.2023 (Annexure P-3). Learned counsel also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Notice of motion.

On the asking of the Court, Mr. Amrik Narwal, Deputy Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and opposes the petitioner's prayer for interim anticipatory bail on the ground of seriousness of offence and seeks time to file status report.

List on 30.05.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, he shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day.

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.
4. Learned State counsel, on instructions from Assistant Sub Inspector Narendar Kumar, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that his custodial interrogation is not required at this stage.
5. Heard learned counsel for the parties.
6. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, order dated 17.04.2023, passed by this Court, is made absolute.
7. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

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8. It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.
9. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.
10. Present petition is accordingly disposed of.

30.05.2023
Jyoti Thakur

(HARSH BUNGER)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether reportable:</i>	<i>Yes/No</i>